IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9079 of 2005

Between:

Gadde siva Shankara Rao, S/o. Gadde Chinanagaiah,
R/o. Pedagottipadu (Post), Prathipadu (Mandal),
Guntur District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Guntur Region, Guntur District.
2 The Depot Manager, APSRTC, Narsaraopet Bus Depot, , Guntur District.
3 The Depot Manager, APSRTC, Guntur II Bus Depot, , Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction of Writ more particularly one in the nature of Writ of mandamus declaring the action of the 2nd Respondent in issuing the proceedings No. 01/PA/398(1)/91-NRT dt 24-12-1992 as illegal, arbitrary and unjust and consequently set aside the proceedings No. 01/PA/398(1)/91-NRT dt 24-12-1992 issued by the 2nd respondent and direct the respondents to pay consequential benefits.

Counsel for the Petitioner:MR.PEETA RAMAN

Counsel for the Respondent Nos.1 to 3: MR.R.MANMADHA REDDY

The Court at the admission stage made the following O R D E R:

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

The petitioner questions the order dated 24.12.1992 imposing punishment of postponement of annual increments for a period of two years, which shall have the effect of postponing the future increments.

The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting any enquiry.

This Court in **S.K.Mastan v. Managing Director, APSRTC**, held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of two annual increments without cumulative effect.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increments for a period of two years, which shall not have the effect of postponing the future increments. By virtue of this order, petitioner is not entitled for any monetary benefits from the date of punishment till this date. However, he is entitled for increments on notional calculation. No costs.

_____

(K.C.BHANU,J)

Dt:21st April, 2005

usd

To

1 The Regional Manager, APSRTC, Guntur Region, Guntur District.
2 The Depot Manager, APSRTC, Narsaraopet Bus Depot, , Guntur District.
3 The Depot Manager, APSRTC, Guntur II Bus Depot, , Guntur District.

4 Two CD copies